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9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

| | | | |
|-----------------------|---|----------|---------------------------|
| 11 In Re: |) | Case No. | 10-32086-C-7 |
| |) | DCN: | SMR-002 |
| 12 Michael J. DiCarlo |) | Date: | September 7, 2010 |
| |) | Time: | 9:30 a.m. |
| 13 |) | Dept: | C |
| |) | Ctrm: | 35, 6 th Floor |
| 14 Debtors |) | Judge: | Hon. Klein |
| |) | | |
| 15 |) | | |
| 16 |) | | |

17 MOTION TO COMPEL ABANDONMENT

18 [11 U.S.C. §544(b), Local Rule of Practice 9014(f)(2)]

19 Debtor Michael J. DiCarlo represents as follows:

20 1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and
21 1334. The motion is brought pursuant to Local Rule of Practice 9014(f)(2).

22 2. Debtor filed the current case on May 7, 2010 as an individual voluntary case
23 under Chapter 7 of the Bankruptcy Code. Debtor scheduled his residence at 3362 Ridgeview
24 Drive, El Dorado Hills, CA 95762. The debt on the property is currently \$445,000.00, but the
25 value of the property is \$371,238.00.

26 3. 11 U.S.C. §544(b) provides as follows:

27 (b) On request of a party in interest and after notice and hearing, the Court may order
28

1 the Trustee to abandon any property of the estate that is burdensome to the estate or that is of
2 inconsequential value and benefit to the estate.

3 4. The property at 3362 Ridgeview Drive, El Dorado Hills, CA 95762 is of
4 inconsequential value to the estate or actually burdensome. No benefit would accrue to any of
5 the unsecured creditors of the estate if the real property were administered by the estate.

6 **WHEREFORE**, Debtors request an Order:

7 (a) Compelling the Trustee to abandon the property at 3362 Ridgeview Drive, El
8 Dorado Hills, CA 95762; and

9 (b) For such other and further relief as this Court deems just and proper.

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11 Dated: August 9th, 2010

Lundgren & Reynolds, LLP
By: /s/Stephen M. Reynolds
Stephen M. Reynolds
Attorney for Debtor